Check 3

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. No. 3053 /2003

Petitioner : R. K. MISHRA,
S/o Late Shri B. P. Mishra,
aged 50 years,
Principal Govt. Girls Hr. Sec. School,
Dondi, Distt. Durg (C.G.)

P. R. No. 8933/03
Presented by Shri Bhaskar Rayashi
dated 23.09.03

VERSUS

Respondents : 1. State of Chhattisgarh,
Through : Director,
Tribal and Schedule Cast
Department, Raipur (C.G.)

2. Shri M. R. Bhuarya,
Principal,
Govt. Hr. Sec. School,
Surdongar, Dondi,
Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3053 OF 2003

Petitioner : R.K. Mishra

Versus

Respondents : State of Chhattisgarh and Another

Shri Bhaskar Pyasi, counsel for the petitioner.
Shri Pankaj Shrivastava, panel lawyer for State/respondent No.1.

ORAL ORDER

(21st February, 2006)

1. The petitioner was working as Principal, in Govt. Girls Higher Secondary School, Dondi, Distt. Durg.
2. The petitioner has impugned the transfer order dated 16.9.2003 (Annexure P-5), where-by the petitioner was transferred to Govt. Higher Secondary School, Surdongar, Distt. Durg.
3. This Court, while issuing notice, granted stay of the impugned order by order dated 30.9.2003. The petitioner has continued on the same place of posting, ever since. The petitioner has already availed the benefit of interim order dated 30.9.2003. By order dated 30.9.2003, the petitioner has been granted final relief.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has

limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. In the facts of the case, the respondents are directed not to insist upon compliance of the impugned transfer order.

5. This petition has become infructuous with the passage of time. Accordingly, the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge